

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE (WILMINGTON)**

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|--------------------------------------------|--------------------------------|
| ROBERT H. AYLOR, JR., On Behalf of Himself | x |
| and All Others Similarly Situated, | : |
| | : Case No. 1:05-cv-00222 (SLR) |
| Plaintiff, | : |
| | : |
| vs. | : |
| | : |
| | : |
| XYBERNAUT CORPORATION, EDWARD G. | : |
| NEWMAN, STEVEN A. NEWMAN, M.D., and | : |
| THOMAS D. DAVIS, | : |
| | : |
| Defendants. | : |

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**NOTICE OF WITHDRAWAL OF THE MOTION OF THE JAMES GROUP FOR
CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL
OF SELECTION OF LEAD COUNSEL**

**MILBERG WEISS BERSHAD
& SCHULMAN LLP**
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--and--

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Plaintiff's Counsel

Dated: July 5, 2005

STULL, STULL & BRODY

Jules Brody
Aaron Brody
Tzivia Brody
6 East 45th Street
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Telephone: (212) 687-7230

Proposed Lead Counsel

| | | |
|------------------------------------------------------------------------------------------------------------|---|------------------------------|
| MOSHE TAL, On Behalf of Himself and All Others Similarly Situated, | : | |
| Plaintiff, | : | Case No. 1:05-cv-00242 (SLR) |
| vs. | : | |
| XYBERNAUT CORPORATION, EDWARD G. NEWMAN, STEVEN A. NEWMAN, M.D., and THOMAS D. DAVIS, | : | |
| Defendants. | : | |
| MICHAEL FEHRENBACHER, Individually and On Behalf of All Others Similarly Situated, | : | |
| Plaintiff, | : | Case No. 1:05-cv-00256 (SLR) |
| vs. | : | |
| XYBERNAUT CORPORATION, EDWARD G. NEWMAN, M.D. STEVEN A. NEWMAN and THOMAS D. DAVIS, | : | |
| Defendants. | : | |
| JEFFREY M. JASKOL and STACEY J. JASKOL, Individually and On Behalf of All Others Similarly Situated, | : | |
| Plaintiff, | : | Case No. 1:05-cv-00268 (SLR) |
| vs. | : | |
| XYBERNAUT CORPORATION, EDWARD G. NEWMAN, STEVEN A. NEWMAN, M.D., and THOMAS D. DAVIS, | : | |
| Defendants. | : | |

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| JOSEPH DANIEL WAUHOP, On Behalf of Himself and All Others Similarly Situated, | : | |
| Plaintiff, | : | Case No. 1:05-cv-00310 (SLR) |
| vs. | : | |
| XYBERNAUT CORPORATION, EDWARD G. NEWMAN, STEVEN A. NEWMAN, M.D., THOMAS D. DAVIS, JOHN F. MOYNAHAN and GRANT THORNTON LLP, | : | |
| Defendants. | : | |
| [CHRISTINA W. DONNELLY, JOHN DONNELLY, JAMES G. WILLIAMSON and RICHARD W. DEARBORN, Individually and On Behalf of All Others Similarly Situated, | : | Case No. 1:05-cv-00334 (JJF) |
| Plaintiff, | : | |
| vs. | : | |
| XYBERNAUT CORPORATION, EDWARD G. NEWMAN, STEVEN A. NEWMAN, THOMAS D. DAVIS and BRUCE C. HAYDEN, | : | |
| Defendants. | : | |
| CHARLES W. SMITH, Individually and On Behalf of All Others Similarly Situated, | : | |
| Plaintiff, | : | Case No. 1:05-cv-00354 (SLR) |
| vs. | : | |
| XYBERNAUT CORPORATION, EDWARD G. NEWMAN, STEVEN A. NEWMAN, THOMAS D. DAVIS, BRUCE C. HAYDEN and GRANT THORNTON LLP, | : | |
| Defendants. | x | |

PLEASE TAKE NOTICE that lead plaintiff movants Kenneth James, La Rocca Pietro, Michael A. Farmakis, David S. Pennington, and Christina Donnelly (collectively, the "James Group" or "Movant") hereby withdraw their Lead Plaintiff/Lead Counsel motion. The James Group members do not, however, by this withdrawal, waive their right to participate and recover as class members or shareholders in this or any litigation. The James Group members reserve the right to intervene and seek appointment as Lead Plaintiff or class representative should it appear that the Court appointed lead plaintiff is not performing its duties to the class.

DATED: July 5, 2005

Respectfully submitted,

**MILBERG WEISS BERSHAD
& SCHULMAN LLP**

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